

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MARIA CASTRO

PLAINTIFF,

VS.

CIVIL ACTION NO. _____

**TJ TRUCKING COMPANY, INC.
AND GARY D. GRAY**

DEFENDANT

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW Defendants, TJ Trucking Company, Inc. (“TJ”) and Gary D. Gray (“Gray”), collectively referred to as Defendants, and hereby file this Notice of Removal to the United States District Court for the Northern District of Texas, Dallas Division, in accordance with 28 U.S.C. § 1446(a) and in support thereof would respectfully show the Court as follows:

INTRODUCTION

Defendants are the defendants in a civil action filed by Maria Castro (“Plaintiff”) on February 2, 2015, in the County Court at Law No. 3, Dallas County, Texas, Cause No. CC-15-00587-C, styled *Maria Castro v. TJ Trucking Company, Inc. and Gary D. Gray*. In Plaintiff’s Original Petition (“Exhibit A”), Plaintiff alleged she is a resident of the State of Texas. On April 14, 2015, Plaintiff filed responses to Defendants’ First Set of Requests for Admission (“Exhibit B”), in which Plaintiff admitted that she is a citizen of the State of Texas. Defendants file this Notice of Removal within 30 days of the receipt of the first paper notifying Defendants of Plaintiff’s citizenship.

II.

GROUND FOR REMOVAL

3. This action is removable because there is complete diversity between the parties' citizenship. 28 U.S.C. § 1332(a).

4. Plaintiff Maria Castro admitted that she is a citizen of State of Texas. See Exhibit B, Request for Admission 3.

5. Per the Affidavit of Jeanette Fussell enclosed as Exhibit C, Defendant TJ is a corporation organized under the laws of the State of Tennessee with its principal place of business in Chattanooga, Tennessee. See Exhibit C, ¶ 3. Defendant TJ is therefore a citizen of Tennessee. Defendant Gray is also a citizen of the State of Tennessee, as noted in the Affidavit of Gary D. Gray enclosed as Exhibit D. See Exhibit D, ¶ 3.

6. Removal is warranted because the alleged amount in controversy exceeds \$75,000 excluding interest, costs and attorney fees. 28 U.S.C. § 1332(a). Plaintiff alleges in Exhibit A that she is seeking monetary relief in "sum greater than \$1,000,000." See Exhibit A, § I.

III.

NOTICE OF FILING OF NOTICE OF REMOVAL

7. Upon filing of the Notice of Removal, written notice of the filing shall be forwarded to all parties of record in accordance with 28 U.S.C. § 1446(d). Notice of Filing of Notice of Removal to the United States District Court for the Northern District of Texas, Dallas Division will be sent to the Clerk of the State Court upon receipt of proof of filing of these removal documents in accordance with 28 U.S.C. § 1446(d).

IV.

REQUIRED FORM OF DOCUMENTS FILED AS EXHIBITS

8. Pursuant to Local Rule 81.1, Defendants provide the following to the clerk for filing:

- a. A completed civil cover sheet;
- b. A completed supplemental civil cover sheet; and
- c. An original and one courtesy copy of a notice of removal with a copy of each of the following attached to both the original and courtesy copy:

EXHIBIT E – An index of all documents that clearly identifies each document and indicates the date the document was filed in state court;

EXHIBIT F – A copy of the docket sheet in the state court action.

EXHIBIT G – each document filed in the state court action, except discovery material, arranged in chronological order according to the state court file date;

EXHIBIT H – A separately signed certificate of interested persons that complies with LR 3.1(f).

V.

CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Defendants TJ Trucking Company, Inc. and Gary D. Gray hereby give notice that this action is removed to this the United States District Court for the Northern District of Texas, because there is complete diversity of citizenship, the amount in controversy exceeds \$75,000.00 and the notice of

removal was timely filed. Defendants also respectfully request that they receive such other and further relief to which they may show themselves justly entitled at law or in equity.

Respectfully submitted,

LITCHFIELD CAVO LLP

/s/ Armando S. Chiu

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**ATTORNEYS FOR DEFENDANTS
TJ TRUCKING COMPANY, INC. AND GARY D.
GRAY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on the following counsel, via certified mail, return receipt requested, facsimile, and/or electronic mail or notification on this 1st day of May, 2015.

/s/ Armando S. Chiu

Armando S. Chiu